

104TH CONGRESS
2D SESSION

S. 1950

To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 12, 1996

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Beaches Environ-
5 mental Assessment, Closure, and Health Act of 1996”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Nation’s beaches are a valuable public
9 resource used for recreation by millions of people an-
10 nually;

1 (2) the beaches of coastal States are hosts to
2 many out-of-State and international visitors;

3 (3) tourism in the coastal zone generates bil-
4 lions of dollars annually;

5 (4) increased population has contributed to the
6 decline in the environmental quality of coastal wa-
7 ters;

8 (5) pollution in coastal waters is not restricted
9 by State and other political boundaries;

10 (6) each coastal State has its own method of
11 testing the quality of its coastal recreation waters,
12 providing varying degrees of protection to the public;
13 and

14 (7) the adoption of standards by coastal States
15 for monitoring the quality of coastal recreation wa-
16 ters, and the posting of signs at beaches notifying
17 the public during periods when the standards are ex-
18 ceeded, would enhance public health and safety.

19 (b) PURPOSE.—The purpose of this Act is to require
20 uniform procedures for beach testing and monitoring to
21 protect public safety and improve the environmental qual-
22 ity of coastal recreation waters.

1 **SEC. 3. WATER QUALITY CRITERIA AND STANDARDS.**

2 (a) ISSUANCE OF CRITERIA.—Section 304(a) of the
3 Federal Water Pollution Control Act (33 U.S.C. 1314(a))
4 is amended by adding at the end the following:

5 “(9) COASTAL RECREATION WATERS.—(A) The
6 Administrator, after consultation with appropriate
7 Federal and State agencies and other interested per-
8 sons, shall issue within 18 months after the effective
9 date of this paragraph (and review and revise from
10 time to time thereafter, but in no event less than
11 once every 5 years) water quality criteria for patho-
12 gens in coastal recreation waters. Such criteria
13 shall—

14 “(i) be based on the best available sci-
15 entific information;

16 “(ii) be sufficient to protect public
17 health and safety in case of any reasonably
18 anticipated exposure to pollutants as a re-
19 sult of swimming, bathing, or other body
20 contact activities; and

21 “(iii) include specific numeric criteria
22 calculated to reflect public health risks
23 from short-term increases in pathogens in
24 coastal recreation waters resulting from
25 rainfall, malfunctions of wastewater treat-
26 ment works, and other causes.

1 “(B) For purposes of this paragraph, the
 2 term ‘coastal recreation waters’ means Great
 3 Lakes and marine coastal waters commonly
 4 used by the public for swimming, bathing, or
 5 other similar primary contact purposes.”.

6 (b) STANDARDS.—

7 (1) ADOPTION BY STATES.—A State shall adopt
 8 water quality standards for coastal recreation waters
 9 which, at a minimum, are consistent with the cri-
 10 teria published by the Administrator under section
 11 304(a)(9) of the Federal Water Pollution Control
 12 Act (33 U.S.C. 1314(a)(9)), as amended by this Act,
 13 not later than 3 years following the date of such
 14 publication. Such water quality standards shall be
 15 developed in accordance with the requirements of
 16 section 303(c) of the Federal Water Pollution Con-
 17 trol Act (33 U.S.C. 1313(c)). A State shall incor-
 18 porate such standards into all appropriate programs
 19 into which such State would incorporate other water
 20 quality standards adopted under section 303(c) of
 21 the Federal Water Pollution Control Act (33 U.S.C.
 22 1313(c)).

23 (2) FAILURE OF STATES TO ADOPT.—If a State
 24 has not complied with paragraph (1) by the last day
 25 of the 3-year period beginning on the date of publi-

1 cation of criteria under section 304(a)(9) of the
2 Federal Water Pollution Control Act (33 U.S.C.
3 1314(a)(9)), as amended by this Act, the water
4 quality criteria issued by the Administrator under
5 such section shall become applicable as the water
6 quality standards for coastal recreational waters for
7 the State. The State shall use the standards issued
8 by the Administrator in implementing all programs
9 for which water quality standards for coastal recre-
10 ation waters are used.

11 **SEC. 4. COASTAL BEACH WATER QUALITY MONITORING.**

12 Title IV of the Federal Water Pollution Control Act
13 (33 U.S.C. 1341–1345) is amended by adding at the end
14 thereof the following new section:

15 **“SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.**

16 “(a) MONITORING.—Not later than 9 months after
17 the date on which the Administrator publishes revised
18 water quality criteria for coastal recreation waters under
19 section 304(a)(9), the Administrator shall publish regula-
20 tions specifying methods to be used by States to monitor
21 coastal recreation waters, during periods of use by the
22 public, for compliance with applicable water quality stand-
23 ards for those waters and protection of the public safety.
24 Monitoring requirements established pursuant to this sub-
25 section shall, at a minimum—

1 “(1) specify the frequency of monitoring based
2 on the periods of recreational use of such waters;

3 “(2) specify the frequency of monitoring based
4 on the extent and degree of use during such periods;

5 “(3) specify the frequency of monitoring based
6 on the proximity of coastal recreation waters to pol-
7 lution sources;

8 “(4) specify methods for detecting levels of
9 pathogens and for identifying short-term increases
10 in pathogens in coastal recreation waters; and

11 “(5) specify the conditions and procedures
12 under which discrete areas of coastal recreation wa-
13 ters may be exempted by the Administrator from the
14 monitoring requirements of this subsection, if the
15 Administrator determines that an exemption will not
16 impair—

17 “(A) compliance with the applicable water
18 quality standards for those waters; and

19 “(B) protection of the public safety.

20 “(b) NOTIFICATION REQUIREMENTS.—Regulations
21 published pursuant to subsection (a) shall require States
22 to notify local governments and the public of violations
23 of applicable water quality standards for State coastal
24 recreation waters. Notification pursuant to this subsection
25 shall include, at a minimum—

1 “(1) prompt communication of the occurrence,
 2 nature, and extent of such a violation, to a des-
 3 ignated official of a local government having juris-
 4 diction over land adjoining the coastal recreation wa-
 5 ters for which a violation is identified; and

6 “(2) posting of signs, for the period during
 7 which the violation continues, sufficient to give no-
 8 tice to the public of a violation of an applicable
 9 water quality standard for such waters and the po-
 10 tential risks associated with body contact recreation
 11 in such waters.

12 “(c) FLOATABLE MATERIALS MONITORING PROCE-
 13 DURES.—The Administrator shall—

14 “(1) issue guidance on uniform assessment and
 15 monitoring procedures for floatable materials in
 16 coastal recreation waters; and

17 “(2) specify the conditions under which the
 18 presence of floatable material shall constitute a
 19 threat to public health and safety.

20 “(d) DELEGATION OF RESPONSIBILITY.—A State
 21 may delegate responsibility for monitoring and posting of
 22 coastal recreation waters pursuant to this section to local
 23 government authorities.

24 “(e) REVIEW AND REVISION OF REGULATIONS.—The
 25 Administrator shall review and revise regulations pub-

lished pursuant to this section periodically, but in no event less than once every 5 years.

“(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

“(1) COASTAL RECREATION WATERS.—The term ‘coastal recreation waters’ means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

“(2) FLOATABLE MATERIALS.—The term ‘floatable materials’ means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.”.

SEC. 5. STUDIES TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDIES.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct studies to provide additional information to the current base of knowledge for use for developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses which are harmful to human health.

1 (b) REPORT.—Not later than 4 years after the date
2 of the enactment of this Act, and periodically thereafter,
3 the Administrator shall submit to the Congress a report
4 describing the findings of the studies under this section,
5 including—

6 (1) recommendations concerning the need for
7 additional numerical limits or conditions and other
8 actions needed to improve the quality of coastal
9 recreation waters;

10 (2) a description of the amounts and types of
11 floatable materials in coastal waters and on coastal
12 beaches and of recent trends in the amounts and
13 types of such floatable materials; and

14 (3) an evaluation of State efforts to implement
15 this Act, including the amendments made by this
16 Act.

17 **SEC. 6. GRANTS TO STATES.**

18 (a) GRANTS.—The Administrator may make grants
19 to States for use in fulfilling requirements established pur-
20 suant to section 3 and 4.

21 (b) COST SHARING.—The total amount of grants to
22 a State under this section for a fiscal year shall not exceed
23 50 percent of the cost to the State of implementing re-
24 quirements established pursuant to section 3 and 4.

1 **SEC. 7. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) COASTAL RECREATION WATERS.—The term
7 “coastal recreation waters” means Great Lakes and
8 marine coastal waters commonly used by the public
9 for swimming, bathing, or other similar body contact
10 purposes.

11 (3) FLOATABLE MATERIALS.—The term “float-
12 able materials” means any matter that may float or
13 remain suspended in the water column and includes
14 plastic, aluminum cans, wood, bottles, and paper
15 products.

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to the Admin-
18 istrator—

19 (1) for use in making grants to States under
20 section 6 not more than \$4,000,000 for each of the
21 fiscal years 1997 and 1998; and

22 (2) for carrying out the other provisions of this
23 Act not more than \$1,500,000 for each of the fiscal
24 years 1997 and 1998.

○